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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,592	06/25/2001	Alex D. Starkovich	ITL.1693US (P10394)	2119
21906 7590 02/25/2009 TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER RAMPURIA, SHARAD K	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/25/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/891,592	Applicant(s) STARKOVICH ET AL.	
	Examiner SHARAD RAMPURIA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 7-8, 24, 26 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Mousseau; Gary P. et al.** [US 6438585 B2].

As per claim 1, **Mousseau** teaches:

A method (Abstract) comprising:

receiving in a wireless communication network a message from a user of the portable communication device together with an instruction to cause the network to transmit the message at a predetermined time; (e.g. the message sent upon triggering the time/condition based on the particular profile; Col.12; 31-Col.13; 34, Col.7; 37-59, Col.11; 58-Col.12; 8)

storing the message and the instruction on said network; and transmitting the message from the network at the predetermined time. (e.g. the message sent upon triggering the condition; Col.12; 31-Col.13; 34, Col.7; 37-59, Col.11; 58-Col.12; 8)

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Regarding Claim 3, Mousseau disclosed the method of claim 1, further comprising specifying the user defined event. (e.g. the user-define triggering condition; Col.12; 31-Col.13; 34)

Regarding Claim 4, Mousseau disclosed The method of claim 3, wherein specifying the user defined event includes specifying the date and time for transmission of the message. (e.g. the triggering condition include certain time/day; Col.12; 31-Col.13; 34)

Regarding Claims 7, Mousseau disclosed the method of claim 3 wherein specifying the user defined event includes specifying an acceptable security level at which the message is to be sent. (Col.8; 8-18)

Regarding Claims 8, Mousseau disclosed the method of claim 3 wherein specifying the user defined event includes specifying an acceptable distance from a base station at which the message is to be sent. (e.g. vicinity; Col.7; 37-59)

Claims 24, 26 are a computing platform, claim corresponding to method claims 1, 3 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1, 3 respectively, above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau in view of Gorsuch, Thomas E. (US 20020160764 A1).

Regarding Claim 5, Mousseau disclosed all the particulars of the claim except wherein specifying the user defined event includes specifying an acceptable cost level at which the message is to be sent. However, Gorsuch teaches in an analogous art, that the method of claim 3, wherein specifying the user defined event includes specifying an acceptable cost level at which

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the message is to be sent. (e.g. the pricing plan; ¶ 0051). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including wherein specifying the user defined event includes specifying an acceptable cost level at which the message is to be sent in order to provide a system employs pricing tiers, which represent each subscriber's mobility-based privileges to specific content.

Regarding Claims 27-28, Mousseau disclosed all the particulars of the claim except an acceptable quality of service level. However, Gorsuch teaches in an analogous art, that the article of claim 26, wherein the instructions, when executed, further result in specifying an acceptable quality of service level at which the message is to be transmitted. (e.g. the pricing plan; ¶ 0063).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau in view of Cohen; Marc (US 6862445 B1).

Regarding Claim 6, the above combination disclosed all the particulars of the claim except the user defined event includes specifying an acceptable transmission power level at which the message is to be sent. However, Cohen teaches in an analogous art, that the method of claim 3, wherein specifying the user defined event includes specifying an acceptable transmission power level or distance at which the message is to be sent. (Col.3; 31-46) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the user defined event includes specifying an acceptable transmission power level at

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which the message is to be sent in order provide transmission power control method in achieving the target.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau in view of Mooney; Philip D. et al. (US 6606504 B1).

Regarding Claim 10, Mousseau disclosed all the particulars of the claim except wherein transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver. However, Mooney teaches in an analogous art, that the method of claim 1, wherein transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver. (Col.2; 41-56, Col.3; 43-45) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including wherein transmitting the message includes wirelessly transmitting the message to a receiver and disabling a ringing function of the receiver in order to provide a method of remotely deactivate the ringing mode of mobile.

Response to Remarks

Applicant's arguments filed on 12/30/2008 have been fully considered but they are not persuasive.

Relating to Claim 1:

In view of the fact, that **MOUSSEAU** teaches, “User-defined event triggers that can be detected by the redirector program 12 in the preferred embodiment include external events, internal events and networked events. External events preferably include: (1) receiving a command message (such as message C) from the user's mobile data communication device to begin redirection, or to execute some other command at the host, such as a command to enable the preferred list mode, or to add or subtract a particular sender from the preferred list; (2) receiving a similar message from some external computer; and (3) sensing that the user is no longer in the vicinity of the host system; although, alternatively, an external event can be any other detectable occurrence that is external to the host system. Internal events could be a calendar alarm, screen saver activation, keyboard timeout, programmable timer, or any other user-defined event that is internal to the host system. Networked events are user-defined messages that are transmitted to the host system from another computer coupled to the host system via a network to initiate redirection. These are just some of the events that could be used with the present invention to initiate replication of the user-selected data items from the host system 10 to the mobile device 24.” (Mousseau, Col.7; 37-59, Col.11; 58-Col.12; 8, as precisely disclosed by applicant in the specification filed on 06/25/2001 see Pg. 8; 11-21). Thus, it is evidently, the explanations above is directed to telecommunications systems and methods for a network receiving a command to sent the particular message at particular time to the device, that positively, anticipated by **MOUSSEAU**. Hence, it is believed that **MOUSSEAU** still teaches the claimed limitations.

The above arguments also recites for the other independent claims, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
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